THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11945 OF 2006

DATED: 09-02-2007

BETWEEN

Smt. Firdous Begum,
W/o. Md. Azam,
R/o. H.No.19-4-271/A/86,
Sanjay Gandhi Nagar,
Jahanuma, Hyderabad.

...PETITIONER

AND

The Government of A.P.,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and another.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents in not investigating Cr.No.596 of 2005 dated 04.08.2005 on the file of the Women's Police Station, Central Crime Station, Hyderabad, as illegal and arbitrary and consequently to direct the respondents to cause arrest and to investigate in to the complaint given by the petitioner.

2. Counter, additional counter and final counter have been filed stating that a private complaint filed by the petitioner against her husband and in-laws before the XIII Additional Chief Metropolitan Magistrate, Hyderabad, was forwarded to the second respondent for enquiry and report under Section 156(3) of the Code of Criminal Procedure, 1973. Upon the said private complaint a case in

Cr.No.596 of 2005 under Section 498-A, 406, 420 506, 120(B) read with 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, was registered on 04.08.2005 and the investigation was taken up. It is stated that after making thorough investigation the names of two accused viz. Smt. Bibi (A6) and Smt. Ustadnima (A7) were deleted from the charge sheet. The charge sheet was also filed before the Magistrate on 06.01.2006 under Sections 498-A, 406, 506 read with 34 IPC and Sections 3, 4 and 6 of D.P. Act vide SR.No.124 of 2006 against the remaining five accused viz. Mohammed Azam (A1), Mohammed Yousuf (A2), Smt. Razia Begum (A3), Mohammed Osman Alias Chunnu (A4) and Smt. Meraj Begum (A5). Out of the above, A2 and A4 were arrested on 14.12.2005 remanded to judicial custody and later released on bail. The charge sheet was taken on file on 20.06.2006 and the same was numbered as C.C.No.173 of 2006 and non-bailable warrants were issued against remaining accused i.e. A1, A3 and A5. It is stated that A3 was also arrested; produced before the Court and remanded to judicial custody and later released on bail on 23.06.2006. The Investigation Officer has executed NBW only against A5 on 04.07.2006 and in spite of all his efforts the NBW could not be executed against A1. It is stated that there is no intention to shield A1 as alleged by the petitioner.

3. In view of the aforesaid facts and circumstances in the counter, I am of the opinion that no further orders are required to be passed in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 9, 2007
DSK